

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEBRASKA

RUDOLPH GEORGE STANKO,	)	
	)	
Plaintiff,	)	7:05CV5023
	)	
v.	)	
	)	
KYLE SCHIEDEMAN, et al.,	)	MEMORANDUM AND ORDER
	)	
Defendants.	)	
_____	)	

This matter is before the Court on the following pending motions: (1) Motion to Reissue Summons to Attorney General filed by the plaintiff, Rudolph George Stanko (Filing No. 18); (2) Motion to Dismiss filed on behalf of defendant Dale Chaney (Filing No. 19); (3) Motion for Leave to File Affidavit within 10 Days filed by defendant Dale Chaney (Filing No. 21); and (4) plaintiff's Motion to Issue New Summons as to defendant Kyle Schiedeman (Filing No. 30).

Defendant Dale Chaney moves for dismissal from this action on the basis of insufficiency of service of process. Notwithstanding the plaintiff's allegations regarding evasion of service (Filing No. 27), the defendant has demonstrated a sufficient basis for relief (Filing Nos. 20-26). Therefore, defendant Dale Chaney will be dismissed from this action without prejudice.

Plaintiff requests new summons forms for service of process on the Attorney General of the United States and on defendant-Kyle Schiedeman (Filing Nos. 18 and 30). The motions will be granted insofar as the Clerk of Court shall send the plaintiff three blank summons forms to be completed and returned to the court for signature (one for the Attorney General, and one each for Mr. Schiedeman in his individual and official capacities). Once the forms have been signed by the Clerk and issued, the plaintiff may serve them.

IT IS ORDERED:

1) Plaintiff's Motion to Reissue Summons to Attorney General (Filing No. 18), and plaintiff's Motion to Issue New Summons as to defendant Kyle Schiedeman (Filing No. 30), are granted insofar as the Clerk of Court shall send the plaintiff three blank summons forms to be completed and returned to the court for signature (one for the Attorney General, and one each for Mr. Schiedeman in his individual and official capacities); once the forms have been signed and issued by the Clerk, plaintiff may serve them;

2) The Motion to Dismiss filed on behalf of defendant Dale Chaney (Filing No. 19) is granted, and Mr. Chaney is dismissed from this action without prejudice; and

3) The Motion for Leave to File Affidavit within 10 Days filed by defendant Dale Chaney (Filing No. 21) is granted retroactively.

DATED this 30th day of May, 2006.

BY THE COURT:

/s/ Lyle E. Strom

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LYLE E. STROM, Senior Judge  
United States District Court